

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT SMITH, JR.,

Plaintiff,

v.

THE STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C07-5135 FDB/KLS

ORDER GRANTING
DEFENDANTS' MOTION TO
STAY DISCOVERY

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Defendants' motion to stay all discovery pending a ruling on their motion to revoke Plaintiff's *in forma pauperis* status. (Dkt. # 19).

I. DISCUSSION

Defendants have filed a motion to revoke Plaintiff's *in forma pauperis status* pursuant to 28 U.S.C. § 1915(g), on the grounds that Plaintiff has on more than three occasions brought an action or appeal that was determined to be frivolous, malicious or failed to state a claim. (Dkt. # 17). That motion is noted on the Court's docket for August 24, 2007.

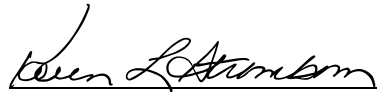
In the interim, Plaintiff has served Defendants' counsel with a request for production of documents, two sets of interrogatories, and has filed a motion to take the deposition of witnesses at the government's expense. (Dkt. # 16). Defendants contend that this discovery should be stayed until it has

1 been determined whether this matter will proceed. Defendants also note that Plaintiff has previously had
2 his *in forma pauperis* status revoked and then subsequently failed to pay the filing fee. (Dkt. # 17, Exh. 1,
3 Attach. R).

4 The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d
5 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R.
6 Civ. P. 26(c). It appears to the Court that there is good cause to stay all discovery in this matter until the
7 Court has ruled on Defendants' motion to revoke Plaintiff's *in forma pauperis* status and has determined
8 whether this matter shall proceed.

9 Accordingly, Defendants' motion for a stay of discovery (Dkt. # 19) is **GRANTED**; all discovery,
10 including Plaintiff's motion for deposition (Dkt. # 16) shall be **STAYED** until the Court has ruled on
11 Defendants' motion to revoke Plaintiff's *in forma pauperis status* (Dkt. # 17). The Clerk of the Court is
12 instructed to send copies of this Order to the Plaintiffs and counsel for the Defendants.

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14 DATED this 30th day of August, 2007.

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18 Karen L. Strombom
19 United States Magistrate Judge
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